



State of Delaware
Commission on Forensic Science

Minutes - 9/9/19

10:00 a.m. to 12:00 p.m.

DFS – 1st Floor Conference Room, 200 South Adams, Wilmington

1. Welcome, Call to Order, and Introductions

- Chair R. L. Hughes called the Commission meeting to order at 10:03 a.m. In attendance were:

Voting Commission Members

DAG Barzilai Axelrod	Department of Justice
Chief Randall L. Hughes	Delaware Police Chiefs' Council – Chair
Professor Donald Lehman	UOD – Public Member
Major Daniel Meadows	Delaware State Troopers Association
Representative John Mitchell	Delaware House of Representatives
Lisa Schwind, RN, Esquire	Office of Defense Services-Public Defender's Office
Anita Symonds, RN	CCHS - Public Member

Non-voting Attendee

Commission's Legal Support

DAG Lisa Morris	Department of Justice
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Additional Non-voting Attendees

Jamie Armstrong	DFS – DNA State CODIS Administrator
Kimberly Chandler	OSEC-DSHS – Deputy Principal Assistant
Johna Esposito	DFS - Quality Assurance Manager
John R. Evans	DFS – Director
Jill Fredel	DHSS – Communications Director
Amrita Lal-Paterson	DFS – DNA Technical Leader
Laura Nichols	DFS – Laboratory Technician III
Melissa Newell	DFS – Forensic Chemistry Laboratory Manager II
Jessica Smith	DFS – Chief Forensic Toxicologist
Julia Vekasy-Quillen	DFS – Chief Forensic Investigator
Rebecca Walker	DFS - Chief Operating Officer

Absent Voting Commission Members

Secretary Rob Coupe	Department of Safety & Homeland Security – Vice Chair
Senator Nicole Poore	Delaware State Senate
Secretary Kara Walker	Department of Health & Social Services

- Introduction: Chief R.L. Hughes welcomed Professor Donald Lehman as a newly appointed member of the Commission. He then read Professor Lehman's 5/8/19 appointment letter for the record:
 - "I hereby appoint you a member of the Commission on Forensic Science to serve at the pleasure of the Governor. Please know that as you accept this official position, you will contribute to the residents of Delaware in an important way. Thank you for your willingness to serve. All Delawareans appreciate your forthcoming and important contribution. Sincerely, John C. Carney, Governor."

2. Approval of the Minutes

- Chief Hughes asked for a motion to approve the 8/5/19 meeting minutes. Rep. Mitchell made the motion to approve; Ms. Anita Symonds seconded the motion. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of the August 5, 2019 meeting.

3. DFS Director's Report

Director Evans noted that his report will be rather brief as it has only been one month since the last Commission meeting.

Staffing:

- As reported at our last meeting, interviews were scheduled on August 8th for two Analytical Chemist I positions in the Forensic Chemistry Unit. Selections were made, offers were extended and accepted, and the candidates are currently in the background phase of the process.
- A position for a full-time Forensic Investigator at the Wilmington office was posted on the state website and has since closed. There are approximately 49 applicants. The list of applicants is in the process of being vetted, after which time, interviews will be scheduled and a selection made.
- Amanda Chang, one of our Forensic DNA Analysts, tendered her resignation to pursue a teaching opportunity in Pennsylvania. That position was posted on the state's website and we received a large pool of interested candidates. The DNA Unit is reviewing the candidates for training, education and experience and will narrow the list to be interviewed.
- Approximately 30 candidates applied for the vacant Administrative Specialist position in the MEU. That list was reviewed and interviews are scheduled for September 12th.
- Please join DFS in welcoming Theresa Hippolyte, who started on August 19th as an Analytical Chemist II in the Forensic Chemistry Unit.
- The casual seasonal Pathologist position at the Georgetown Office remains posted on the state's website with limited interest.

- On behalf of Secretary Coupe, Director Evans reported that the Secretary is actively engaged in discussions with Director Jackson, OMB, regarding the DFS request for two additional full time positions in the Toxicology Unit and an additional two full time investigators in the Medical Examiner Unit.

Forensic Chemistry Unit:

- On August 13th, in accordance with the Forensic Chemistry Unit Evidence Inventory Policy, an internal audit was conducted of the Evidence Vault and the Chemists' lockers. The evidence in both the vault and the lockers was found to be well organized and all evidence was located where it should have been according to the FLIMS chain of custody report. Director Evans recognized Wendee Mohammed, our Forensic Evidence Specialist, and thanked her for a job well done.
- The FCU continues to effectively manage its' caseload. At last report, there were only three cases in backlog and a current turnaround time of approximately 21 calendar days.
- The FCU handled two fire debris cases since our last meeting, with one of them being a fatal fire.

DNA Unit:

- The DNA Unit will be undergoing an FBI QAS audit from September 16th-18th. As stated at our last meeting, the results of the audit will be shared as soon as they become available.
- There were two CODIS hits or matches at the National level since our last meeting.
- The DNA Unit has no backlog in either casework or offender samples. A current turnaround time on testing is 34 calendar days.
- The FBI conducted an on-site audit of the CODIS server, which is located in the DTI server room in Dover. One action item noted was that all DTI employees who have access to the server room must have background checks completed. That effort is now underway.

Toxicology Unit:

- Facilities will be replacing an aging HVAC system in the Tox Unit instrument room with two new wall mount HVAC systems. The old system is not able to keep up with the heat generated by all of the instruments and the room at times has reached 80 degrees, which is not good for the instruments or the Chemists when they are in the room.
- As of last report, there were 131 open postmortem cases and there were 100 DUI cases in progress. Turnaround time is 47 calendar days for postmortem and 36 days for DUI.

- The Toxicology Unit experienced a 61% increase in DUI submissions in August '19 as compared to the monthly average YTD. Additionally, 34% more cases were signed out in August '19 as compared to the monthly average YTD. Director Evans thanked Jessica Smith and her team for their continued hard work and dedication.

Medical Examiner Unit:

- As reported at the last meeting, the Unit underwent an on-site assessment as part of the National Association of Medical Examiners (NAME) accreditation process. The process involved the review for compliance of approximately 300 questions or standards. The assessor noted one potential phase II deficiency in that our morgue receiving area is not "sequestered from public view". Upon further discussion with the Accreditation Board, DFS does not believe this will be an issue which prevents our re-accreditation. Overall, the assessor described the MEU work product as "great".
- The MEU investigated a couple of particularly tragic events since our last meeting, including a house fire where three children died and a plane crash, where two died. Director Evans recognized those involved for their compassion and professionalism.

Grants:

- DFS was just recently made aware that in October it will be receiving additional grant monies from the Public Health OEMS grant. This will help fund the expansion of DFS Toxicology capabilities by purchasing additional supplies and equipment to test fentanyl analogues and drug panels, as well as the purchase of four ventilation hoods for the lab. In addition, the grant monies will allow the Forensic Chemistry Unit to purchase snorkel hoods and the validation of the FTIR (Fourier Transformed Infrared Spectroscopy) instrument to aid in the identification of opiate structural differences such as fentanyl analogues.
- Director Evans thanked Becky Walker for her continued efforts in managing DFS grant opportunities.

DFS Expansion

- Director Evans said that he has been working with Secretary Coupe concerning a public/private partnership formed between the State of Delaware and the former DuPont Chestnut Run campus where small companies/start-ups can come in and lease those properties in hopes of starting businesses in Delaware. DuPont is moving out of that campus and there are now seven or eight buildings for lease. Secretary Coupe reached out initially to his contact about the partnership and Director Evans reviewed this information with the DFS management team last week. DFS received a brochure showing the available properties for lease which have variable lab space and office space. DFS is looking at the square footage needs for the DNA Unit and the Forensic Chemistry Unit. Once those needs are determined, a visit will be made to Chestnut Run to look at which buildings would be the most appropriate and see if we can move in there with minimal costs and not too heavy a lift in terms of converting the labs to DFS requirements.

- Director Evans said that the campus is an exciting opportunity. If it fits our needs, it would be a good step in right direction. He recalled that at the last Commission meeting, there was a lengthy discussion concerning a plan to relocate the DFS facility in two phases. This move to the Chestnut Run campus would be phase one where, in relatively short order, DFS could move a couple of disciplines out, freeing up much needed space for our Medical Examiner and Toxicology Units. With this accomplished, he said, DFS could move on with phase two, which would be securing a whole new facility to house all forensic disciplines statewide.

Questions/Comments

- Director Evans then asked if anyone had any questions or comments. If not, he said he will turn the meeting back over to the Chair.
 - Chief Hughes noted that it is impressive to see the evidence/drug lockers in such good shape as he remembers a time when they were not. He thanked everyone involved for the good work.
 - Chief Hughes asked how many deaths constitute a mass fatality and would it require additional resources. Chief Investigator Julia Vekasy-Quillen said that the determination on whether or not the plan is invoked could also depend on the situation surrounding the death(s), (i.e., high profile, in the line of duty, etc.), these would require a lot of resources; it is not necessarily dependent on the number of bodies to enact the plan. Director Evans said DFS has an internal critical incident response plan and DFS is also part of the overall State Mass Fatality Plan. He said they are two different things but they work in concert with one another. He noted that to Julia's point, if DFS has an event which exceeds our capacity, whether it be our ability to hold decedents or our staffing numbers to allow us to retrieve bodies, DFS has a plan to address it. He said that thanks to Facilities Management, the refrigerated cooler remains on the Bissell campus and will be available to use should full capacity be reached here in the event of a mass fatality situation.
 - Chief Hughes asked how DFS staffing is doing in respect to full time v. casual seasonal positions. Director Evans said DFS casual/seasonal employment is holding pretty steady at 10% of the workforce. He added that DFS has also been looking into hours worked by our Forensic Investigators due in part to Senator Poore's questions at the last meeting asking for tangible hours for overtime monies spent. Director Evans said an analysis was conducted and shared with Senator Poore. DFS overtime expenditures do not support adding more full time positions, however, it's the DFS casual/seasonal staff working hours through the roof, working much more than the 29.5 hours allowed weekly, which would be the source in support of more full time Forensic Investigators.

- Chief Hughes said that although the Chestnut Run campus has been suggested as a possible location, he has not heard any discussion addressing sites in the southern part of the state. Director Evans said, yes; while Chestnut Run is being considered, remember it would just be phase one. It has been discussed since the inception of the Commission's Strategic Planning Advisory Committee that a new facility be ideally more centrally located and one that could house all of the State's forensic disciplines.
- ODS Lisa Schwind asked if DFS had generators as backup for the refrigeration units. Director Evans answered, yes. In fact, he said, Wilmington recently lost power to a lot of the city and it was a perfect opportunity to test our new generators. All body coolers remained on and he noted that there is a generator for the refrigeration unit at Bissell, as well.

4. Standards & Certifications Advisory Committee

- Johna Esposito said the committee has nothing further to report at this time. She explained that they are still working on a narrative for the Commission regarding pros and cons of consolidating all forensic service providers in the state. They hope to present at the next Commission meeting.

5. Strategic Planning & Advisory Committee

- DAG Axelrod noted that his committee has not met since the last Commission meeting but stands at the ready for when another mission is presented.

6. Open Discussion

- Chief Hughes said he previously notified Commission members that it was time to replace the Chair/Vice Chair positions. However, he has been sitting as the Chair since January with no volunteers or nominations. He said this will be an agenda item at the next meeting and would like to see nominations be made.
- Representative Mitchell said that the progress that has been made over the years since this Commission was put together, speaks for itself and certainly makes our job (Senator Poore and myself) a lot easier plus it is easy to see where we were and where we are now. Chief Hughes agreed and said there have been talented people here all along; they just needed the tools and resources. ODS Schwind asked if the reports and minutes from the subcommittees are available to the public. Director Evans said, yes, they are posted on the public meeting website.
- Agreeing with Representative Mitchell's point that this Commission has made progress since inception, Major Meadows pointed out that the potential consolidation of forensic services throughout the state is going to be a worthwhile discussion this upcoming year. He said even though he is not an original member of the Commission, through the subcommittees' work already accomplished, it is impressive to see how stable and efficient things are now and great to move on to things of a strategic nature and not just be in a reactive mode.

- Ms. Anita Symonds said she would like to note that another SAKI case came to a close last week which is a good thing. Ms. Symonds asked who is doing the follow through for SAKI. Chief Hughes said he thinks we are moving to having every single kit in the state tested. Ms. Lal-Paterson stated that the DOJ has to review all sexual assaults first. The DNA Unit cannot test anything for “CODIS upload” unless it is a crime.

Adjourn

- The meeting was adjourned at 10:36 a.m.

Next Meeting Date: **Monday, November 12, 2019**
DFS – Wilmington, 1st Floor Conference Room
10:00 am – 12:00 pm